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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,490	04/15/2004	Bradley W. Johnson	720.898	8566
21707	7590	09/07/2004		EXAMINER
IAN F. BURNS & ASSOCIATES 1575 DELUCCHI LANE, SUITE 222 RENO, NV 89502				MENDOZA, ROBERT J
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/825,490	JOHNSON, BRADLEY W.
Examiner	Art Unit	
	Robert J Mendoza	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 April 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-39 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-39 rejected under 35 U.S.C. 102(e) as being anticipated by Karmarkar (USPN 6,508,709).**

Regarding claims 1 and 23, Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 21:1-67 and col. 22:35-67, illustrates and discloses a gaming device comprising a first game of chance having a first game outcome, the first game of chance allowing the player to place a first wager and potentially entitling the player to a first prize, the first game of chance comprising a first wagering scheme, a first game play area, and a wager input. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 21:1-67 and col. 22:35-67, illustrates and discloses a second game of chance having a second game outcome, the second game of chance allowing the player to place a second wager and potentially entitling the player to a second prize, the second game of chance comprising a second wagering scheme, a second game play area, and a wager input. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67 and col. 21:1-67 and col. 22:35-67, illustrates and discloses a gaming method comprising allowing a player to play at least one game round of a game, each game round comprising allowing the player to place a wager on a first game of

chance having a first game of chance outcome, presenting the first game of chance to the player, determining a first game of chance outcome, and if the game of chance outcome comprises a winning outcome, awarding the player a first prize. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 21:1-67 and col. 22:35-67, illustrates and discloses allowing the player to place a wager on a second game of chance having a second game of chance outcome, presenting the second game of chance to the player; determining a second game of chance outcome, and if the second game of chance outcome comprises a winning outcome; awarding the player a second prize.

Regarding claims 2-10 and 24-29, Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses the step of presenting the first game of chance to the player further comprising dealing at least one card to the player, and the step of presenting the second game of chance to the player further comprising rotating a wheel. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses wherein the first game outcome and the second game outcome are independent, and wherein the award of the first prize is independent of the second game outcome and the award of the second prize is independent of the first game outcome. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses wherein the first game is a card game and the second game is a wheel game, wherein the wheel game is roulette-like, and wherein the card game is blackjack. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses wherein the player is required to wager on the first and second

games of chance, wherein the player may wager on either or both of the first and second games of chance, and wherein the first and second games of chance are operatively coupled to each other. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses the first game of chance comprising a table and the first wagering scheme appearing on the table. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses wherein the player is allowed to place a wager on the second game of chance only if the player placed a wager on the first game of chance. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 19:35-65, col. 21:1-67 and col. 22:35-67, illustrates and discloses wherein the player is allowed to place a wager on the second game of chance regardless of whether the player placed a wager on the first game of chance, and the step of allowing the player to place a wager on a first game of chance having a first game of chance outcome comprising allowing the player to place a wager on a discrete card game layout.

Regarding claims 11-22 and 30-39, Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses the second game of chance comprising a rotatable wheel and wherein the rotatable wheel comprises a roulette-like wheel. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses the first game of chance comprising a table, the second game of chance comprising a rotatable wheel, the rotatable wheel being mounted to the table, and the rotatable wheel being mounted to the table such that it may

rotate about a horizontal axis. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses wherein the second game comprises a ball game, wherein the second game is keno, wherein the first game of chance comprises a slot machine, wherein the second game of chance comprises a rotatable wheel. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses wherein the first wagering scheme comprises a roulette- like wagering scheme and wherein the first game play area comprises a video display. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses wherein the second game play area comprises a mechanical display and wherein the second game play area comprises a table. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses the step of allowing the player to place a wager on a second game of chance having a second game of chance outcome comprising allowing the player to place a wager on a discrete wheel game betting layout, and wherein the wheel game betting layout at least resembles a roulette-like betting layout. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses the step of allowing the player to place a wager on a first game of chance having a first game of chance outcome comprising allowing the player to place a wager on a first wagering scheme and the step of allowing the player to place a wager on a second game of chance having a second game of chance outcome comprising

allowing the player to place a wager on a second wagering scheme, the second wagering scheme being distinct from the first wagering scheme. Karmarkar, in FIGS. 1-13, col. 2:44-67, col. 6:23-44, col. 9:38-67, col. 16:47-67, col. 17:1-67, col. 18:14-67, col. 19:35-65, col. 21:1-67, col. 22:35-67 and col. 23:1-20, illustrates and discloses further comprising displaying an image of a roulette-like wheel on a video display, spinning the roulette-like wheel, and stopping the roulette-like wheel.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotaling, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM  
September 2, 2004

*JOHN M. HOTALING, II*  
*PRIMARY EXAMINER*